IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

Bail Appl..No. 1142 of 2007

CMP.909/2007 of J.M.F.C.,VAIKOM
CRIME NO.849/2006 OF VAIKOM POLICE STATION
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PETITIONERS:
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1. REJI. K.J., EDATHIPARAMBU,
THANNEERMUKKOM P.O., CHERTHALA,
ALAPPUZHA.

2. MANOJ. C.J., CHITEEZHATHU,
THANNEERMUKKOM P.O., CHERTHALA, ALAPPUZHA.

3. RAJESH. S.P., PADINJARE PULICKACHIRA,
THANNEERMUKKOM P.O., CHERTHALA, ALAPPUZHA.

4. BIJUMON. P.V., PUTHEN VEEDU,
KANNANKARA P.O., THANNEERMUKKOM,
CHERTHALA, ALAPPUZHA.

BY ADV. SRI.C.V.MANUVILSAN
SRI.G.SUDHEER (THURAVOOR)

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
C.I.OF POLICE VAIKOM, THROUGH PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1142/2007

Dated this 27th day of February, 2007

O R D E R

The petitioners, who are accused in Crime No.849/2006 of Vaikom Police Station for offences punishable under Sections 332 and 395 IPC, seek their enlargement on bail.

2. The case of the prosecution is that the petitioners and others numbering to about 50 persons were indulging in unauthorizedly mining of shells in the area in question on 29.12.2006 and the police had seized two boats along with unauthorizedly mined shells. Infuriated by the same on 30.12.2006 at about 1.00 a.m., about 50 persons including the petitioners forcibly re-captured the boats and the shells from the custody of the police.

3. Consequent on a direction by this Court in the application for anticipatory bail filed by the petitioners, they surrendered before the Investigating Officer and they were thereafter produced before the J.F.C.M, Vaikom and remanded to judicial custody on 13.2.2007.

4. Even though the learned Public Prosecutor opposed the application submitting inter alia that one more boat and an out board engine are still to be recovered, the investigating agency having obtained the petitioners in police custody, I am inclined to grant bail to the petitioners but only from a future date.

5. Accordingly, the petitioners are directed to be released on bail with effect from 7.3.2007, on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Vaikom and subject to the following conditions:

(a). The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

(b). The petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.

(c). The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

(d). The petitioners shall not commit any offence while on bail.

6. If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

The application is allowed as above.

V.RAMKUMAR,
JUDGE

mrcs